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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE: : BANKRUPTCY CASE

:

OGLETREE, RICHARD : NO. 13-52510 JPS

OGLETREE, CYNTHIA :

Debtor(s) : CHAPTER 7 Proceeding

NOTICE OF MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS

The Chapter 7 Bankruptcy Trustee in the above case, Walter W. Kelley filed a motion to sell the following property of the bankruptcy estate: 788 Beverly Road, Fort Valley, Georgia. The Trustee desires to sell the above property by private sale or auction to the highest and best offer through Rowell Auctions, Inc. The auctioneer's fee is a 10% buyer's premium added to the purchase price plus reimbursement of expenses.

IF YOU WANT TO INSPECT THE ABOVE PROPERTY OR MAKE A PURCHASE OFFER ON THE PROPERTY, CONTACT THE TRUSTEE'S ATTORNEY, SHOWN BELOW.

YOUR RIGHTS MAY BE AFFECTED. READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO GRANT THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN REQUEST FOR A HEARING ON OR BEFORE **MARCH 20, 2014**. THE OBJECTION/RESPONSE SHOULD BE SENT TO **CLERK OF THE COURT, U. S. BANKRUPTCY COURT, P.O. BOX 1957, MACON, GEORGIA 31202**. IF A RESPONSE/OBJECTION IS FILED, A HEARING WILL BE HELD ON **THURSDAY, APRIL 3, 2014, AT 9:30 A.M., AT THE THOMAS JEFFERSON FEDERAL BUILDING, COURTROOM A, 433 CHERRY STREET, MACON, GEORGIA.**

IF YOU MAIL YOUR RESPONSE OR OBJECTION TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** THE OBJECTION OR RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE. ANY RESPONSE OR OBJECTION MUST ALSO BE MAILED TO THE MOVING PARTY AND ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE SALE MOTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

This 27th day of February, 2014.

/s/ David S. Ballard
DAVID S. BALLARD
Attorney for the Chapter 7 Trustee
Georgia Bar No. 635107
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Albany, GA 31708
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TRUSTEE'S MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS

COMES NOW Walter W. Kelley, Chapter 7 Trustee and shows as follows:

-1-

This motion is brought under 11 U.S.C. §363 and Bankruptcy Rule 6004. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (O).

-2-

The Debtor filed a voluntary Chapter 7 petition on September 21, 2013. Walter W. Kelley is the Trustee in this case.

-3-

The Debtor owns real property located at 788 Beverly Road, Fort Valley, Georgia.

-4-

The 788 Beverly Road real estate is subject to a security deed in favor of JP Morgan Chase. This mortgage is approximately \$19,730.66. It appears this property is also subject to back due Peach County taxes in the amount of \$1,289.22. The Debtor has not claimed any exemption in this property. The tax assessor's value and a BPO provided by Mark Manley of Rowell Auctions, Inc. leads the Trustee to believe there is equity in this property.

-5-

The Trustee desires to sell the above property by auction or private sale to the highest and best offer through Rowell Auctions, Inc. The sale or auctioneer's fee is a 10% buyer's premium added to the purchase price plus reimbursement of expenses estimated to be less than \$5,000.

-6-

The sale of the property is to be “as is,” “where is” with all faults and subject to any security interest, lien or other claim.

WHEREFORE, THE TRUSTEE PRAYS FOR AN ORDER:

- (a) allowing the above-described sale;
- (b) authorizing the Trustee to sell the debtor's interest in the above property subject to liens and other claims and to permit the Trustee to pay valid liens and other claims and to pay the Debtor's allowed exemption in the property at closing;
- (c) allowing direct payment of compensation and reimbursement of expenses to Rowell Auctions, Inc. (after Court approval) at closing from the sale proceeds;
- (d) allowing the Trustee, in his discretion to reject any offer that the Trustee believes is not in the best interest of the estate; and
- (e) for such other and further relief as the Court deems just and proper.

/s/ David S. Ballard
DAVID S. BALLARD
Attorney for the Chapter 7 Trustee
Georgia Bar No. 635107
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CERTIFICATE OF SERVICE

I hereby certify that I have furnished a true copy of the **TRUSTEE'S MOTION TO SELL PROPERTY SUBJECT TO LIENS AND OTHER CLAIMS** and **NOTICE** to those listed below by either court's electronic mail system, regular electronic mail or by depositing the same in the United States Mail, in a properly addressed envelope with sufficient postage thereto affixed to insure delivery, this 27th day of February, 2014.

RICHARD OGLETREE
CYNTHIA OGLETREE
1020 WILLVILLE ROAD
FORT VALLEY, GA 31030

DANNY L. AKIN, ESQ.
P. O. Box 1773
Macon, GA 31202
ATTORNEY FOR DEBTOR(S)

ELIZABETH A. HARDY, ESQ.
ASSISTANT U. S. TRUSTEE
Ustp.region21.mc.ecf@usdoj.gov

THOSE LISTED ON EXHIBIT 'A'
(Notice only)

/s/ David S. Ballard
DAVID S. BALLARD
Attorney for the Chapter 7 Trustee

EXHIBIT A

Case 13-52510

Doc 34

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Desc Main

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BANK OF AMERICA
PO BOX 982238
EL PASO, TX 79998-2238

Belk/GE Capital Retail Bank
Attn: Bankruptcy Dept
PO Box 103104
Roswell, GA 30076-9104

BrandSmart/GE CRB
Attn: Bankruptcy Dept
PO Box 103106
Roswell, GA 30076-9106

Capital One
Bankruptcy Claims Servicer
PO Box 30285
Salt Lake City, UT 84130-0285

Card Assets, LLC
PO Box 84042
Columbus, GA 31908-4042

Chase
Customer Service
PO Box 24696
Columbus, OH 43224-0696

Comenity Bank
Bankruptcy Department
PO Box 182125
Columbus, OH 43218-2125

Dillards/GE Capital Retail Bank
Bankruptcy Dept
PO Box 103104
Rosewell, GA 30076-9104

FMS Inc.
PO Box 707600
Tulsa, OK 74170-7600

GE Capital Retail Bank
PO Box 965029
Orlando, FL 32896-5029

GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA, GA 30345-3202

Home Depot Credit Services
PO Box 790328
St. Louis, MO 63179-0328

Home Depot Loan Services
1797 Northeast Expressway Suite 100
Atlanta, GA 30329-2451

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

JPMORGAN CHASE BANK, NATIONAL
C/O Emmett L. Goodman, Jr.
544 Mulberry St
Ste 800
Macon, GA 31201-2776

Kohl's
PO Box 3043
Milwaukee, WI 53201-3043

Lowe's / GE CRB
Attn: Bankruptcy Dept
PO Box 103104
Roswell, GA 30076-9104

PNC Bank
2730 Liberty Ave
Pittsburgh, PA 15222-4747

Sallie Mae
PO Box 9500
Wilkes-Barre, PA 18773-9500

Sams Club/GE CRB
Attn: Bankruptcy Dept
Po Box 103104
Roswell, GA 30076-9104

Tractor Supply Co.
PO Box 790394
St. Louis, MO 63179-0394

Union Plus Credit Card
PO Box 80027
Salinas, CA 93912-0027

Cynthia Stancil Ogletree
1020 Willville Road
Fort Valley, GA 31030-7622

Richard Earl Ogletree Jr.
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Fort Valley, GA 31030-7622